

**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE
WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF
NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Los Angeles District

FILE NUMBER: 200501541-HW

REGULATORY PROJECT MANAGER: Heather Wylie **Date:** June 20, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (N)** June 8, 2005
At the project site (Y) June 15, 2005

PROJECT LOCATION INFORMATION:

State: California

County: Santa Barbara

Center coordinates of site by latitude & longitude: lat:34-24-31.2480 lon:119-32-21.3720

Approximate size of site/property (including uplands & in acres): 0.016 acres

Name of waterway or watershed: Santa Barbara Coastal HUC 18060013

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	0.016								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rational used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on water of the U.S. occurring onsite):

The site is entirely on private property. The wetland is manmade, created in uplands. During the site visit the area was inspected for hydrological connection no evidence of this was discovered. There are no outlets that connect the wetland to down stream waters of the United States and the wetland was not adjacent to a water of the United States. There is no interstate Commerce from tourism or any other source. The water is not used for any industrial purpose nor is it used for fish harvesting. The wetland is only 0.016 acres in size and is used only for rowing a small boat in by the property owner. Based on the above information the Corps determined that the wetland is non-jurisdiction under the SWANCC Supreme Court decision.